

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

LA.App..No. 734 of 2006()

LAR.99/1996 of ADDL.SUB COURT,KOLLAM
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APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.K.V. MANOJ KUMAR.

RESPONDENT: CLAIMANT

SWARNALATHA,
VETTUTHARA VEEDU, NEENDAKARA MURI,
NEENDAKARA VILLAGE.

BY ADV. SRI.P.R.MILTON

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID,JJ.

L.A.A. NO.734 OF 2006

Dated this the 4th day of December, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment in L.A.R. No.99 of 1996 on the file of the Additional Sub Court, Kollam. Acquisition was for the National Highway Bye Pass. The Land Acquisition Officer fixed land value at Rs.1,416/- per Are which has been refixed at Rs.5,000/- per Are by the reference court. The claimants sought to place reliance on Exts.A1 and A2 sale deeds. But, the reference court found that those documents cannot be referred to since they pertain to dry land whereas the acquired property is wet land. The reference court also found that the properties were not similar and comparable. There is no other evidence available justifying the refixation of the land value at Rs.5,000/- per Are.

2. The learned Government Pleader prays for an opportunity to adduce evidence before the reference court and to justify the fixation of land value by the Land Acquisition Officer. Since, the fixation now made by the reference court is without any basis, it is only in the interest of

justice that an opportunity is given to the parties.

Accordingly, we set aside the judgment and decree in L.A.R. No.99 of 1996 and remand the matter to the reference court with liberty to the parties to adduce their evidence. The reference court shall dispose of the matter within six months from the date of receipt of a copy of this judgment.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

**KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.**

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007